



General Assembly

February Session, 2008

Raised Bill No. 5660

LCO No. 2098

02098_____GAE

Referred to Committee on Government Administration and Elections

Introduced by:
(GAE)

AN ACT PROHIBITING "ROBO" CALLS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2008*) As used in sections 1 to 5,
2 inclusive, of this act:

3 (1) "Automatic dialing-announcing device" means a device that
4 selects and dials telephone numbers and, working alone or in
5 conjunction with other equipment, disseminates a prerecorded or
6 synthesized voice message to the telephone number called.

7 (2) "Caller" means a person, corporation, firm, partnership,
8 association, or legal or commercial entity that attempts to contact, or
9 who contacts, a subscriber in this state by using a telephone or a
10 telephone line.

11 (3) "Subscriber" means a person who subscribes to telephone service
12 from a telephone company or any other persons living or residing with
13 the subscribing person.

14 (4) "Message" means any telephone call, regardless of its content.

15 Sec. 2. (NEW) (*Effective October 1, 2008*) No caller shall use or
16 connect to a telephone line an automatic dialing-announcing device for
17 the purpose of leaving a message concerning a candidate for public
18 office unless the message is immediately preceded by a statement in
19 the voice of the candidate for public office identifying the purpose of
20 the message and that the candidate is using an automatic dialing-
21 announcing device.

22 Sec. 3. (NEW) (*Effective October 1, 2008*) No caller shall use an
23 automatic dialing-announcing device unless the device is designed
24 and operated to disconnect not later than ten seconds after termination
25 of the telephone call by the subscriber.

26 Sec. 4. (NEW) (*Effective October 1, 2008*) No caller shall use an
27 automatic dialing-announcing device earlier than nine o'clock a.m. or
28 later than nine o'clock p.m., or at any time on Saturday or Sunday. The
29 provisions of this section shall not be construed to apply to (1)
30 messages from school districts to students, parents or employees, (2)
31 messages to subscribers with whom the caller has a current business or
32 personal relationship, or (3) messages advising employees of work
33 schedules.

34 Sec. 5. (NEW) (*Effective October 1, 2008*) No caller shall use an
35 automatic dialing-announcing device to connect to a cellular
36 telephone.

37 Sec. 6. (NEW) (*Effective October 1, 2008*) Any person who receives a
38 telephone call in violation of sections 1 to 5, inclusive, of this act may
39 bring an action in Superior Court to recover actual damages or
40 statutory damages of two thousand dollars, whichever is greater, plus
41 costs and reasonable attorneys' fees. In addition, the court may order
42 injunctive or equitable relief. For purposes of this section, each
43 telephone call received in violation of said sections shall constitute a
44 separate and distinct violation.

45 Sec. 7. (NEW) (*Effective October 1, 2008*) (a) The Attorney General

46 may issue subpoenas or interrogatories requiring production of
47 evidence or testimony concerning a violation of sections 1 to 5,
48 inclusive, of this act. The Attorney General may apply to the Superior
49 Court to enforce any subpoena or interrogatories issued pursuant to
50 this subsection.

51 (b) The Attorney General may file a civil action in Superior Court to
52 enforce the provisions of this section and to enjoin further violations of
53 sections 1 to 5, inclusive, of this act. The Attorney General may recover
54 actual damages or statutory damages of twenty-five thousand dollars,
55 whichever is greater, for each violation of sections 1 to 5, inclusive, of
56 this act. For purposes of this section, each telephone call received in
57 violation of sections 1 to 5, inclusive, of this act shall constitute a
58 separate and distinct violation.

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| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | <i>October 1, 2008</i> | New section |
| Sec. 2 | <i>October 1, 2008</i> | New section |
| Sec. 3 | <i>October 1, 2008</i> | New section |
| Sec. 4 | <i>October 1, 2008</i> | New section |
| Sec. 5 | <i>October 1, 2008</i> | New section |
| Sec. 6 | <i>October 1, 2008</i> | New section |
| Sec. 7 | <i>October 1, 2008</i> | New section |

Statement of Purpose:

To prohibit certain political "robo" calls and limit the use of such "robo" call technology.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]